

EXHIBIT 3

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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)
IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)

MDL NO. 1456

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)
CIVIL ACTION: 1:01-CV-12257-PBS

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)
THIS DOCUMENT RELATES TO)
ALL ACTIONS)
)

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**DECLARATION OF TINA M. TABACCHI IN SUPPORT OF DEFENDANT ABBOTT
LABORATORIES' OPPOSITION TO PLAINTIFFS' MOTION FOR ORDER
EXEMPTING ABBOTT LABORATORIES FROM ANY ORDER
DECLINING TO EXTEND DEADLINE FOR TRACK TWO DISCOVERY**

I, Tina M. Tabacchi, declare as follows:

1. I am one of the attorneys for Abbott Laboratories ("Abbott"). Since August 2005, I have been personally involved in discussions with Plaintiffs' counsel regarding Plaintiffs' 30(b)(6) Notice, dated April 20, 2005, related to the identification of documents (the "Identification of Documents 30(b)(6) Notice").

2. Abbott designated Michael Sellers to testify pursuant to the Identification of Documents 30(b)(6) Notice. (*See* August 3, 2005 Letter from Beth O'Connor to Jennifer Connolly, attached as Exhibit A).

3. On August 16, 2005, after issuance of the Court's ruling on the pending class certification motion, I received a telephone message from Jennifer Connolly indicating that Plaintiffs wished to cancel the 30(b)(6) deposition of Mr. Sellers that was scheduled to occur the following day.

4. When I returned Ms. Connolly's call that day, she indicated that she had left me the message because Plaintiffs were considering the impact of the Court's class certification ruling. During our discussion, Ms. Connolly indicated that Plaintiffs planned to seek corporate testimony on additional topics beyond those set forth in the notice that had been served. To avoid repeated depositions of Abbott's corporate designee, the parties agreed to postpone the deposition. Ms Connolly also agreed to provide Abbott's counsel with additional information concerning the competitive information she was seeking in connection with the deposition notice (which Abbott has not yet received).

5. On August 17, 2005, Ms. Connolly sent a revised 30(b)(6) notice that included additional topics. (*See* August 17, 2005 Letter from Jennifer Connolly to Tina Tabacchi and Beth O'Connor, attached as Exhibit B).

6. Following receipt of the deposition notice, I called and spoke with Ms. Connolly (in September 2005) regarding the revised 30(b)(6) Notice and scheduling of the deposition.

7. On November 7, 2005, Abbott sent a letter to Ms. Connolly regarding Abbott's formal objections to Plaintiffs' revised 30(b)(6) notice. (*See* November 7, 2005 Letter to Jennifer Connolly, attached as Exhibit C).

8. The parties have scheduled the 30(b)(6) deposition for December 20, 2005. (*See* Letter from Jennifer Connolly to Toni-Ann Citera, attached as Exhibit D).

Dated: November 23, 2005

/s/ Tina M. Tabacchi
Tina M. Tabacchi